SIKKIM

GOVERNMENT GAZETTE

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GOVERNMENT OF SIKKIM
DEPARTMENT OF PERSONNEL, ADM. REFORMS, TRAINING, PUBLIC GRIEVANCES, CAREER OPTIONS & EMPLOYMENT SKILL DEV. AND CHIEF MINISTER'S SELF EMPLOYMENT SCHEME
GANGTOK

No. 231 /GEN/DOP **Dated: 22/12/2005**

NOTIFICATION

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India the Governor of Sikkim in consultation with the High Court of Sikkim hereby makes the following rules, namely;-

1. **Short title and commencement:-**
   (1). These rules may be called the Sikkim Subordinate Courts Non-Judicial Officers and Staff (Revised Pay) Rules, 2005.
   (2). They shall be deemed to have come into force on the 1st day of January, 2003.

2. **Categories of Government Servants to whom the rules apply -**
   (1) Save as otherwise provided by or under these rules, these rules shall apply to all non-judicial officers and staff in the Subordinate Courts of the State of Sikkim.
   (2). These rules shall not apply to:-
   (a). persons not in whole time employment;
   (b). persons paid out of contingencies;
   (c). persons employed on consolidated rate of pay;
   (d). persons paid otherwise than on a monthly basis including those paid only on a piece rate basis;
   (e). persons whose services have been obtained on deputation;
   (f). any other class or category of persons whom the State Government in consultation with the High Court of Sikkim may, by order, specifically exclude from the operation of all or any of the provisions contained in these rules.

Note- (1) These rules shall apply to persons on ad-hoc establishment and on contract holding posts on existing pay scales.
(2) These rules shall also apply to persons who cease to be in service on account of death, retirement or otherwise between the 1st day of January 2003 and the date of publication of these rules.

3. **Definition-** In these rules unless the context otherwise requires;-
(a) "basic pay" means pay including stagnation increments and personal pay which has been sanctioned for a post held by a non-judicial officer or staff in subordinate courts substantively or in an officiating capacity or to which he may be entitled by reason of his position in a cadre plus any other emoluments which may be specially classed as pay by the State Government in consultation with the High Court of Sikkim.

(b). **'existing scale'** means the present scale applicable to the post held by non- judicial officers and staff (or as the case may be, personal scale applicable to him) as on the first day of January, 2003, whether in a substantive or in an officiating capacity;

Explanation;- In the case of a non judicial officer or staff on deputation, leave or foreign services, "existing scale" includes the scale applicable to the post which he has held for his being on deputation, leave or foreign service or for officiating in a higher post.

(c). 'revised scale' in relation to any post specified in column 2 of the Schedule A to F means the scale of pay specified against that post in column 4 thereof

(d) "Schedule" means the Schedule annexed to these rules

4. Scale of pay of posts;- As from the date of commencement of these rules the scale of pay of every posts specified in column 2 of Schedule A to F shall be as indicated against it in column 4 thereof.

5. Drawl of pay in the revised scales,- Save as otherwise provided in these rules, all non-judicial officer and staff shall draw pay in the revised scale applicable to the post to which the said employee is appointed.

6. Fixation of initial pay in the revised scale,-

(1). The initial pay of a non-judicial officer and staff governed by the revised pay scale with effect from the 1st day of January, 2003, shall unless in any case the State government in consultation with the High Court of Sikkim, by special order or otherwise directs, be fixed in the following manner namely;-

(a). an amount representing 20% of the basic pay in the existing scale shall be added to the existing emoluments of the employee;

(b). after the existing emoluments have been so increased, the pay shall thereafter be fixed in the revised scale at the stage equal to the amount so computed, if there happens to be one, otherwise at the stage next above such amount;

(c). if the minimum of the revised scale is more than the amount so arrived at, the pay shall be fixed at the minimum of the revised scale;

(d). if the amount so arrived at is more than the maximum of the revised scale, the pay shall be fixed at the maximum of that scale.

(2). Wherein the fixation of pay under sub-rule (1), the pay of non-judicial officer and staff drawing pay more than four consecutive stages in an existing scale gets bunched, that is to say gets fixed in the revised scale at the same stage, the pay in the revised scale of such non -judicial officer and staff in subordinate courts, who are drawing pay beyond the first four consecutive stages in the existing scale shall be stepped up by grant of increment (s) in the revised scale in the following manner.-

(a). for non-judicial officer and staff drawing pay from 5th upto the 8th stage in the existing scale- **by one increment.**

(b). for non-judicial officer and staff drawing pay from th 9th upo to 12th stages in the existing scale, if there is bunching beyond the 8th stage- **by two increments;**

(c). for non-judicial officers and staff drawing pay from the 13th upto the 16th stage in the existing scale, if there is bunching beyond the 12th stage-**by three increments.**

If by stepping up of the pay as above, the pay of a non-judicial officer and staff in subordinate courts gets fixed at the stage in the revised scale which is higher than the stage in the revised scale at which the pay of a non-judicial officer and staff who was drawing pay at the next higher stage or stages in the same existing scale is fixed, the pay of the latter shall also be stepped up only to the extent by which it falls short of that of the former.

(3). The fixation shall be made in the manner that every employee will get at least one increment in the revised scale of pay for every three increments (inclusive of stagnation increment (s), if any) in the pre-revised scale of pay.

(4). The "*existing emoluments*" for the purpose of fixation of pay in sub-rule (1) shall include the basic pay in the existing scale as on first day of January, 2003.

However, special pay/special allowance shall not be reckoned as pay for the fixation of pay in the revised scale.

(5). Where in the fixation of pay under sub-rules (1), (2) and (3), pay of a non-judicial officer and staff who in the existing scale was drawing immediately before the 1st day of January, 2003 more pay than another employee junior to him in the same cadre, gets fixed in the revised scale at a stage lower than that of such junior, his pay shall be stepped up to the same stage in the revised scale as that of the junior.

(6). Where the increment of a non-judicial officer and staff falls on 1st day of January, 2003 he/she shall have option to draw the increment in the existing scale or the revised scale.

(7). The pay of a non-judicial officer and staff under suspension on the 1st day of January, 2003 shall on the termination of suspension be regulated as follows:-

(a). if his/her service is terminated, there is no question of fixation of pay in the revised scale;

(b). if the period of suspension is treated as period spent on duty or leave other than extraordinary leave, the fixation of pay shall be done in accordance with sub-rule (1), (2) and (3);

(c). if the period of suspension is treated as extraordinary leave, the pay in the revised scale shall be fixed only with effect from the date of joining duty;

(8). In case where a senior non-judicial officer or staff promoted to higher post before the 1st day of January, 2003, draws less pay in the revised scale than his junior who is promoted to the higher post on or after the 1st day of January, 2003, the pay of the senior non-judicial officer or staff shall be stepped up to an amount equal to the pay as fixed for his junior in that higher post. The stepping up shall be done with effect from the date of promotion of the junior Non-Judicial Staff subject to the fulfillment of all the following conditions:-

(a). both the junior and the senior non-judicial officer and staff should belong to the same cadre and the posts in which they have been promoted should be identical in the same cadre;

(b). the pre-revised and revised scales of pay of the lower and higher posts in which they are entitled to draw pay should be identical;

(c). the senior non-judicial officer or staff at the time of promotion had been drawing equal or more pay than the junior, and

(d). the anomaly should be directly as a result of the application of the rules regulating pay fixation on such promotion in the revised scale. If even in the lower post the junior non-judicial officer or staff was drawing more pay in the pre-revised scale than the senior by virtue of any advance increments granted to him, the provision of this sub-rule need not be invoked to step up the pay of the senior Non-Judicial officer or staff.

7. Date of next increment in the revised scale:-

The next increment of a non-judicial officer and staff whose pay has been fixed in accordance with sub rules (1) and (3) of rule 6 shall be granted on the date he would have drawn the increment had he continued in the existing scales:

Provided that in cases where the pay of a non-judicial officer and staff is stepped up under sub rule (2) or (5) or (8) or rule 6, the next increment shall be granted on the completion of qualifying service of twelve months from the date of stepping up of the pay in the revised scale:

Provided further that in cases, other than those covered by the preceding proviso, the next increment of a non-judicial officer and staff whose pay is fixed on the 1st day of January, 2003 at the same stage as the one fixed for another non-judicial officer and staff junior to him in the same cadre and drawing pay at a lower stage than him in the existing scale, shall be granted on the same date as admissible to his junior, if the date of increment of the junior happens to be earlier:

Provided also that in the case of persons who had been drawing maximum of the existing scale for more than a year as on the 1st day of January, 2003, next increment in the revised scale shall be allowed on the 1st day of January, 2003.

8. Stagnation increments :-

A non-judicial officer and staff shall be eligible for one increment for every two years of service rendered after reaching the maximum of his scale, subject to a maximum of three increments. The rate of such increment shall be the rate applicable before reaching maximum of that scale.

9. Classification of posts.-

In accordance with these rules classification of posts shall be as follows:-

Group D- All posts in the scales of pay the maximum of which is Rs. 4,800/-

Group C- All posts in the scales of pay the maximum of which is over Rs 4,800/- but not exceeding Rs. 10,500/-

Group B- All posts in the scale of pay the maximum of which is over Rs. 10,500/- but not exceeding Rs. 12,900/-

Group A- All posts in the scales of pay the maximum of which exceeds Rs. 12,900/-

10. Procedure for fixation of pay in the revised scale-.

(1). The pay of non-judicial officer and staff may be fixed under the revised scales in accordance with the prescribed manner laid down under Rule 6. A statement for fixation of pay in the revised scale is attached with these rules at Appendix I.

(2). The fixation of pay for Group A and Group B non judicial officers may be done by the Department of Personnel, Administrative Reforms and Training and for Group C and Group D non judicial staff by the concerned of District Judge.

(3). For non judicial officers of Group A and Group B, the Department of Personnel, Administrative Reforms and Training and for Group C and D non judicial staff the concerned District Judges (Head of Department) would arrange to prepare six copies of statement of fixation of pay of each employee in the prescribed proforma and send the same to the Pay Cell in the Department of Personnel, Administrative Reforms. and Training for approval.

(4). After approval, the Pay Cell would return two copies in the case of Group A and Group B non judicial officers and three copies in the case of Group C and D non judicial staff to the concerned District Judges (Head of Department) for drawal of arrears and pasting in the service book of non judicial officers and staff. In respect of Group A and Group B non judicial officers the third copy would be sent to the Department of Personnel, Administrative Reforms and Training for similar pasting in the service book. The fourth copy shall be sent to the Accountant General, Sikkim, and the fifth copy to Pay and Accounts Office. The first copy would be retained in the Pay Cell.

(5). The concerned District Judge (Head of Department) would arrange to ensure that a copy of the approved statement of fixation of pay in the revised scale is pasted in the service book of the employees under proper attestation.

11. Overriding effect of Rules.-

The provisions of the Sikkim Government Service Rules, 1974, the Sikkim Government Service (Revised pay) Rules, 1986, the Sikkim Government Services (Revised Pay) Rules, 1987 and the Sikkim Government Services (Revised pay) Rules 1998 shall not, save as otherwise in these rules, apply to cases where pay is regulated under these rules to the extent they are inconsistent with these rules.

12. Powers to relax.-

Where the Government in consultation with the High Court of Sikkim is satisfied that the operation of any of the provisions of these rules causes undue hardship in any particular case, the Government in consultation with

the High Court of Sikkim may by order, dispense with or relax the requirements of that rule to such extent and subject to such conditions as the Government may consider necessary for dealing with the case in a just and equitable manner.

13. Interpretation.-
If any question arises relating to the interpretation of these rules, the same shall be referred to the Government in the Department of Personel through the High Court of Sikkim for decision.

Note 1: The powers of attestation etc. vested in the Gazetted grades so far shall be exercised by officers appointed or promoted in the revised scale of pay of Rs. 8,500-275-12,900.

BY ORDER AND IN THE NAME OF THE GOVERNOR.

C. L. SHARMA
SPECIAL SECRETARY TO THE GOVERNMENT
DEPTT. OF PERSONNEL, ADM. REFORMS, TRAINING, PUBLIC GRIEVANCES, CAREER OPTIONS & EMPLOYMENT SKILL DEVELOPMENT AND CHIEF MINISTER'S SELF EMPLOYMENT SCHEME

APPENDIX – I

STATEMENT OF FIXATION OF PAY UNDER SIKKIM SUBORDINATE COURTS NON-JUDICIAL OFFICERS AND STAFF (REVISED PAY) RULES, 2005.
(See Rule 10).

1. Name of the Non Judicial officers or staff.

2. Designation of the post in which pay is to be fixed as on 1st January 2003.

3. Status (Substantive/officiating).

4. Existing scale of pay.

5. Revised scale of pay.

6. Existing emoluments as on 1.1.2003 (a) Basic Pay (including stagnating increments, if any).

7. Fitment weightage (20% of basic pay)

8. Total (Sl. No. 6 and 7)

9. (a) Stage in the revised scale of pay at which pay is to be fixed under sub rule (1) excluding benefit of bunching.

   (b) Number of increments due on account of bunching under sub -rule (2).

   (c). Stage in the revised scale at which pay is to be fixed including benefit on account of bunching.

   (d) Stage in revised scale of pay at which pay is to be fixed so as to ensure at least one increment in the revised scale for every three increments on the pre-revised scale under sub-rule (3).

10. Pay fixed in the revised scale of pay (stage of pay at Sl. No. 9 (a) or 9 (c) which ever is higher.)

11. Stepped up pay with reference to the revised pay of Junior, if applicable, (name and pay of the junior are to be indicated).

12. Date of next increment under rule 7 and pay after grant of increment.

Date of increment.	Pay after increment.
.....	.....

13. Any other relevant information.
Date. .....

Pre-checked and approved

District Judge.
East & North Sikkim at Gangtok
(Signature of Head of Department)

SCHEDULE A

(SEE RULE 3) (C)

DISTRICT AND SESSIONS COURT, EAST AND NORTH SIKKIM

Sl. No	Posts	Existing Scale(s)(Rs.)	Revised Scale(s)(Rs.)
1.	Accounts Officer	7000-225-11500	8500-275-12900
2.	Administrative Officer	7000-225-11500	8500-275-12900
3.	Senior Accountant	5500-175-9000	6500-200-10500
4.	Office Superintendent	5500-175-9000	6500-200-10500
5.	Peshkar (Gr. I)	4500-135-7200	6500-200-10500
6.	Stenographer (Gr. I)	5500-175-9000	5500-175-9000
7.	Judgment Writer (Gr. II)	5000-150-8000	5000-150-8000
8.	Librarian	5500-175-9000	5500-175-9000
9.	System Administrator	5500-175-9000	5500-175-9000
10.	Head Assistant	4500-135-7200	5000-150-8000
11.	Accountant	4500-135-7200	5000-150-8000
12.	Head Copyist	4500-135-7200	5000-150-8000
13.	Nazir	4000-100-6000	4300-125-6800
14.	U.D.A	4000-100-6000	4300-125-6800
15.	Senior Record Keeper	4000-100-6000	4300-125-6800
16.	L.D.A. (5)	3400-85-5100	4000-100-6000
17.	Junior Librarian (1)	3400-85-5100	4000-100-6000
18.	Record Keeper	3400-85-5100	4000-100-6000
19.	Driver	3200-80-4800	3200-80-4800
20.	Frash	2850-55-4170	3050-75-4550
21.	Process server (3)	2850-55-4170	3200-80-4800
22.	Peon (3)	2850-55-4170	3050-75-4550
23.	Mali	2850-55-4170	3050-75-4550
24.	Chowkidar	2850-55-4170	3050-75-4550
25.	Sweeper	2850-55-4170	3050-75-4550

SCHEDULE B

3 (c)

DISTRICT AND SESSIONS COURT, SPECIAL DIVISION I

Sl. no	Posts	Existing scale(s)(Rs.)	Revised scale(s)(Rs.)
1.	Peshkar (Gr. I)	4500-135-7200	6500-200-10500
2.	Stenographer (Gr. I)	5500-175-9000	5500-175-9000
3.	U.D.A	4000-100-6000	4300-125-6800
4.	L.D.A (2)	3400-85-5100	4000-100-6000
5.	Driver	3200-80-4800	3200-80-4800
6.	Peon (2)	2850-55-4170	3050-75-4550

SCHEDULE C

3 (c)

DISTRICT AND SESSIONS COURT, SPECIAL DIVISION II

Sl. no	Posts	Existing scale(s)(Rs.)	Revised scale(s)(Rs.)
1.	Peshkar (Gr. I)	4500-135-7200	6500-200-10500
2.	Stenographer (Gr. I)	5500-175-9000	5500-175-9000
3.	U.D.A	4000-100-6000	4300-125-6800
4.	L.D.A (2)	3400-85-5100	4000-100-6000
5.	Driver	3200-80-4800	3200-80-4800
6.	Peon (2)	2850-55-4170	3050-75-4550

SCHEDULE D

3 (c)

COURT OF THE CHIEF JUDICIAL MAGISTRATE, EAST AND NORTH SIKKIM

Sl. no	Posts	Existing scale(s)(Rs.)	Revised scale(s)(Rs.)
1.	Peshkar (Gr. II)	4500-135-7200	5500-175-9000
2.	Stenographer (Gr. II)	5000-150-8000	5000-150-8000
3.	L.D.A (1)	3400-85-5100	4000-100-6000
4.	Driver	3200-80-4800	3200-80-4800
5.	Process Server (2)	2850-55-4170	3200-80-4800
6.	Peon (2)	2850-55-4170	3050-75-4550

SCHEDULE E

3 (c)

COURT OF THE CIVIL JUDGE CUM JUDICIAL MAGISTRATE, EAST SIKKIM, GANGTOK

Sl. no	Posts	Existing scale(s)(Rs.)	Revised scale(s)(Rs.)
1.	Peshkar (Gr. III)	4000-100-6000	4300-135-6800
2.	Stenographer (Gr. III)	4300-135-6800	4300-135-6800
3.	L.D.A (1)	3400-85-5100	4000-100-6000
4.	Driver	3200-80-4800	3200-80-4800
5.	Peon (1)	2850-55-4170	3050-75-4550

SCHEDULE F

3 (c)

COURT OF THE CIVIL JUDGE CUM JUDICIAL MAGISTRATE, NORTH SIKKIM

Sl. no	Posts	Existing scale(s)(Rs.)	Revised scale(s)(Rs.)
1.	Peshkar (Gr. III)	4000-100-6000	4300-135-6800
2.	Stenographer (Gr. III)	4300-125-6800	4300-125-6800
3.	Junior Accountant	4000-100-6000	4300-125-6800
4.	L.D.A (1)	3400-85-5100	4000-100-6000
5.	Record Keeper	3400-85-5100	4000-100-6000
6.	Driver	3200-80-4800	3200-80-4800
7.	Peon (1)	2850-55-4170	3050-75-4550
8.	Mali-cum-Sweeper	2850-55-4170	3050-75-4550
9.	Process Server	2850-55-4170	3200-80-4800
10.	Chowkidar	2850-55-4170	3050-75-4550